



Homeland
Security

March 1, 2012

Mr. Jason Smathers
MuckRock News
DEPT MR 934
PO Box 55819
Boston, Massachusetts 02205-5819

Re: **DHS/OS/PRIV 12-0105**

Dear Mr. Smathers:

This is the final response to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), dated and received in this office on November 29, 2011. You are seeking "all records on, about, mentioning or [concerning] the request for Obama Sr.'s A-File to be provided to Delores Barber in unredacted format after being released to a requester under the FOIA [including but not limited to] the responsive records to those that show how the unredacted copy was used and why it was requested to be sent to the DHS Office of Privacy in or around April of 2011."

On December 12, 2011, we sent a response detailing that we were unable to locate or identify any responsive records. On January 7, 2012, you provided additional information in support of our office conducting another search of records.

An additional search of the Privacy Office and the U.S. Citizenship and Immigration Services (USCIS) for documents responsive to your request produced a total of 41 pages with certain portions marked as non-responsive. Of those pages, I have determined that those 41 pages are partially releasable pursuant to Title 5 U.S.C. § 552 (b)(5) and (b)(6), FOIA Exemptions 5 and 6. Enclosed are 41 pages with certain information withheld as described below.

FOIA Exemption 5 protects from disclosure those inter- or intra-agency documents that are normally privileged in the civil discovery context. The three most frequently invoked privileges are the deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege. After carefully reviewing the responsive documents, I determined that portions of the responsive documents qualify for protection under the deliberative process privilege. The deliberative process privilege protects the integrity of the deliberative or decision-making processes within the agency by exempting from mandatory disclosure opinions, conclusions, and recommendations included within inter-agency or intra-agency memoranda or letters. The release of this internal information would discourage the expression of candid opinions and inhibit the free and frank exchange of information among agency personnel.

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

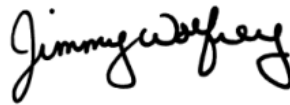
You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington, D.C. 20528, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

The Office of Government Information Services (OGIS) also mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. If you wish to contact OGIS, you may email them at ogis@nara.gov or call 1-877-684-6448.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. In this instance, because the cost is below the \$14 minimum, there is no charge. 6 CFR § 5.11(d)(4).

If you need to contact our office concerning this matter, please refer to DHS/OS/PRIV 12-0105. This office can be reached at 866-431-0486 or 703-235-0790.

Sincerely,

A handwritten signature in black ink, appearing to read "Jimmy Wolfrey". The signature is fluid and cursive, with the first name "Jimmy" and last name "Wolfrey" clearly distinguishable.

Jimmy Wolfrey
FOIA Program Specialist

Enclosure: As stated, 41 pages